

25. (Amended) A filler neck for receiving a fuel supply for a motor vehicle fuel tank comprising:

a one-piece seamless funnel member having a tubular body defining in off-set axial relation to each other a relatively large inlet opening adapted for attachment to a receptor for positioning the nozzle with respect to the large inlet opening and a relatively small necked down outlet opening adapted for attachment to the inlet of an elongated tubular member in communication with the fuel tank

REMARKS

Applicant affirms the election of claims 1-18, 24, and 25.

Claims 1-25 were pending in this case and were restricted. Claims 19-23 have been withdrawn from consideration. Claims 24 and 25 have been amended, and reconsideration of the claims is respectfully requested.

Rejection Under 35 U.S.C. § 102

The invention of the present application is a one-piece seamless fuel tank filler neck with a large inlet opening in an off-set axial relation to a relatively small necked down outlet opening. During vehicle refueling, the axial offset relation induces a swirling effect that prevents vapors from escaping into the atmosphere.

Claims 1, 2, 4-7, 12, 24, and 25 are rejected under § 102(b) as being anticipated by Peickert '813. However, Peickert teaches neither "a one-piece seamless funnel member" (claims 1, 24 amended, and 25) nor "a large inlet opening" in an off-set axial relation to a "relatively small necked down outlet opening" as required by claim 1 and in claim 25. Instead, Peickert teaches an "insert . . . designed for use with a gasoline filler neck" ('813, col. 1, ll 43-44). Peickert illustrates the positioning of this insert in a typical gas tank filler neck in Figure 2 and Figure 3 of the '813 patent. Peickert provides neither a description of the filler neck nor teaches that the filler neck is seamless as required in independent claim 1 of the present invention and the claims 2, 4-7, and 12 which depend from claim 1. In Figure 2 of Peickert, the filler neck is shown to bend downward from a relatively large inlet opening into a smaller opening. In this arrangement the axis of the tube defining the large opening is not in an axially

offset relation to the axis of the tube defining the smaller opening. Instead, the axes of these tubes are in a skewed relationship to each other. Furthermore, Peickert does not teach or suggest that this bent arrangement will "induce a sufficient swirl to the fuel being supplied so as to create a sufficient vacuum to prevent fuel vapors from escaping into the atmosphere" (claim 1) nor does it suggest a "seamless configuration [which] induces a sufficient swirl to create a hollow passage for venting vapors from the gas tank during fuel filling;" (claim 24).

Note also that the present invention is distinguished from the fill neck funnel disclosed to the PTO in the IDS filed on August 8, 2000, in that the present invention is seamless while the IDS-disclosed funnel is seamed. Furthermore, the present invention is manufactured by the simpler process of deep drawing (*see* claim 6). The filler neck disclosed in the IDS of August 8, 2000 is made by a process that subjects a seamed steel tube to a series of reductions and expansions which may stress the seam.

Claim 24 is amended to include the seamless limitation for the tubular member. This limitation distinguishes the present invention from Peickert and from the seamed funnel disclosed to the patent office in the IDS filed on August 8, 2000. Claim 25 is amended to include the axially offset positioning of the large inlet opening to the relatively small necked down outlet opening which further distinguishes the invention from Peickert.

Rejection Under 35 U.S.C. § 103

Claims 1-10, 12, and 25 are rejected under § 103(a) as being unpatentable over Whitely, II. et al. in view of Peickert. Whitely, II discloses a filler neck with a barb to accept a plastic tube, but as the examiner has pointed out Whitely, II does not disclose a seamless filler neck nor the use of an adhesive, resistance weld, or weld for attaching a tubular element to the funnel member. As set forth above, Peickert does not disclose "a one-piece seamless funnel member" having "a large inlet opening" in an off-set axial relation to a "relatively small necked down outlet opening" as defined in independent claims 1 and 25. Accordingly, the combination of Whitely and Peickert does not teach or suggest the seamless filler neck of independent claims 1 and 25.

Claim 11 is rejected under § 103(a) as being unpatentable over Peickert in view of Bates '179. Peickert disclose a filler neck. Bates discloses a filler neck with an anti-corrosive coating. As set forth above, Pilchard does not disclose "a one-piece seamless funnel

member" having "a large inlet opening" in an off-set axial relation to a "relatively small necked down outlet opening" as defined in independent claim 1. Accordingly, the combination of Whitely, II and Peickert does not teach or suggest the seamless filler neck of independent claims 1 from which claim 11 depends.

Claim 11 is rejected under § 103(a) as being unpatentable over Whitely, II et al. in view of Peickert as applied to claim 1, and further in view of Bates '179. Whitely discloses a filler neck but not the "anti-corrosive coating" disclosed in claim 11. Accordingly, the combination of Whitely and Peickert does not teach or suggest the seamless filler neck of independent claims 1, 24, and 25. As set forth above, neither Whitely nor Peickert discloses "a one-piece seamless funnel member" having "a large inlet opening" in an off-set axial relation to a "relatively small necked down outlet opening" as defined in independent claims 1, 24, and 25. Accordingly, the combination of Whitely, Bates, and Peickert does not teach or suggest the seamless filler neck of independent claims 1 from which claim 11 depends.

Claims 13-18 are rejected under § 103(a) as being unpatentable over Peickert. The Examiner states that these claims are obvious to one of ordinary skill in the art because the general conditions of the present invention have been disclosed in the prior art. As such, discovery of the optimal or workable ranges described in claims 13-18 are not patentable. *In re Aller* 105 USPQ 233, 237 (CCPA 1955). However, the application of *In re Aller* to the present invention is inappropriate. As set forth above, Peickert does not disclose a one-piece seamless funnel. Therefore, application of *In re Aller* to the present invention is inappropriate since claims 13 - 18 depend from claims which distinguish the prior art and are not attempting to patent optimal or workable ranges of a claim that otherwise distinguishes the prior art.

Accordingly, Peickert does not teach the seamless filler neck of independent claims 1, 24, and 25. As such, a combination of Peickert with either Whitely or Bates does not suggest or teach the invention of independent claims 1, 24, and 25. Allowance of claims 1-18, 24, and 25 is respectfully requested.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for



allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,
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